

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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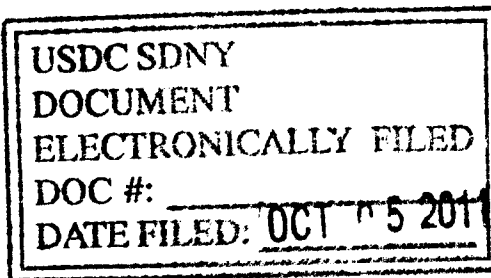
UNITED STATES OF AMERICA : SUPERSEDING INDICTMENT

- v. - : S1 11 Cr. 424 (NRB)

EARL SETH DAVID, :  
a/k/a "Rabbi Avraham David," :  
ALI GOMAA, :  
GULAY CIBIK, :  
REFAEL BRODJIK, :  
a/k/a "Rafi," :  
ALEXANDRA URBANEK, :  
a/k/a "Aleksandra Prochniak," :  
ABRAHAM FLAM, :  
ARYEA YEHUDA FLOHR, :  
a/k/a "Ari Flohr" :  
ANDRE HERBST, :  
a/k/a "Erwin Herbst," :  
a/k/a "Anshi," :  
NATHAN SCHWARTZ, :  
HAROLD TISHLER, :  
a/k/a "Hershy," :  
CHAIM WALTER, :  
a/k/a "Leiby Walter," and :  
MAYER WEBER, :

Defendants. :

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COUNT ONE

(Conspiracy to Commit Immigration Fraud)

The Grand Jury charges:

Background

1. At all times relevant to this Indictment, an alien could apply to adjust his or her immigration status in the United States by representing to the United States Department of Labor ("DOL") that a U.S. employer wished to employ, or "sponsor," such alien. As part of that process, the alien first would apply to DOL for a labor-based certification for that sponsorship. Before

approving the application, DOL often required certain supporting documentation from both the alien and the sponsoring employer, which could include, among other things, pay stubs, employer tax return information, "experience letters" from the alien's prior employers showing that the alien had the requisite job experience, and/or written offers of employment. An alien who consequently obtained a DOL certification of this sponsorship would then use it to petition U.S. Citizenship and Immigration Services ("CIS") for legal status in the United States. An alien's application for DOL certification was filed under penalty of perjury, as was the alien's subsequent petition to CIS for adjustment of status.

2. From at least in or about 1996, up to and including in or about 2009, EARL SETH DAVID, a/k/a "Rabbi Avraham David," the defendant, headed and controlled a law office that operated at several different locations in Manhattan, and that used several different names, including the "Law Offices of Earl David" (collectively referred to as the "David Firm"). The David Firm essentially ceased operations in or about January 2009, when federal search warrants were executed at several locations associated with the David Firm.

#### **The Immigration Fraud Scheme**

3. From at least in or about 1996, up to and including in or about 2009, EARL SETH DAVID, a/k/a "Rabbi Avraham David," the defendant, together with others, engaged in a scheme

to make millions of dollars through the filing of fraudulent applications and petitions with DOL and CIS. In return for substantial fees that clients paid, typically in cash, to the David Firm - as much as \$30,000 per client - the David Firm sought adjustments of status for clients based upon applications and petitions containing false information and fabricated supporting documentation. DAVID's co-conspirators in the scheme included, among others: (i) employees of the David Firm, including ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," and ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," the defendants (collectively, the "David Firm Defendants"), and other employees not named as defendants herein; (ii) dozens of individuals who - in exchange for payments from DAVID, the David Firm Defendants, and others - agreed to falsely represent to DOL that they were sponsoring aliens for employment, including ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hershy," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, the defendants ("the Sponsor Defendants"), and other individuals not named as defendants herein; (iii) corrupt accountants who created fake tax returns for fictitious sponsor companies; and (iv) a corrupt DOL employee.

4. Through their fraud scheme, the defendants and their co-conspirators caused DOL to approve thousands of

applications for labor-based certifications that would otherwise have been denied, and caused CIS to adjust the immigration status of thousands of the David Firm's clients when such adjustments were unwarranted and otherwise would not have been made. During the time period relevant to this Indictment, at least 25,000 immigration applications and petitions were filed by and through the David Firm, the vast majority of which contained false, fraudulent, and fictitious information.

5. In furtherance of the scheme, EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," and ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," the defendants, and their co-conspirators solicited clients to the David Firm, collected payments from those clients, and prepared fraudulent applications to DOL falsely representing that certain companies (the "Sponsor Companies") were willing to sponsor their alien-clients. In truth and in fact, and as DAVID, the David Firm Defendants, and their co-conspirators well knew, such Sponsor Companies either did not have any intention of sponsoring the aliens on whose behalf such applications were submitted, or indeed such Sponsor Companies did not even exist other than as shell companies for use in the fraudulent scheme. DAVID, the David Firm Defendants, and their co-conspirators then filed petitions for adjustments of status based upon the fraudulently-obtained DOL certifications and other false information that they provided to CIS.

6. In order to deceive DOL and CIS, EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," and ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," the defendants, and their co-conspirators either themselves created, or caused the creation of, fraudulent documentation in support of the fiction that a particular Sponsor Company wished to sponsor a particular alien. As part of that effort, and among many other things, the co-conspirators manufactured fake letterhead on which to print letters from fake Sponsor Companies and other entities; enlisted corrupt accountants who were willing to create fake tax returns for the fictitious Sponsor Companies; and bribed at least one DOL employee who corruptly assisted them in the scheme.

7. In furtherance of the scheme, the defendants and their co-conspirators caused false filings and other documents and communications to be transmitted electronically and by mail from, among other places, the David Firm in Manhattan to government agencies and other addressees both in and outside of New York State.

8. As noted, the scheme depended in significant part upon the participation of dozens of individuals who were willing to falsely represent themselves to be representatives of Sponsor Companies. ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hershy," CHAIM WALTER, a/k/a

"Leiby Walter," and MAYER WEBER, the defendants, were each among the individuals who agreed to, and did, act as "sponsors" purportedly offering employment to aliens seeking immigration status through the David Firm. The Sponsor Defendants agreed to allow their identities to be used, and, at times, fictitious company profiles to be created, for the purpose of falsely representing to DOL, under penalty of perjury, that the Sponsor Defendants, through their corresponding Sponsor Companies, intended to employ David Firm alien-clients. However, in truth and in fact, the Sponsor Defendants never had any intention or ability to employ aliens on whose behalf immigration applications were filed. In exchange for their willingness to act as "sponsors," the Sponsor Defendants were paid, typically in cash, by EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," the defendants, and their co-conspirators.

9. In or about March 2004, EARL SETH DAVID, a/k/a "Rabbi Avraham David," the defendant, was suspended from the practice of law in New York State. Following his suspension, DAVID continued to participate in the scheme and to direct operations at the David Firm, but ceased using his name on paperwork filed with government agencies to avoid detection of his ongoing role. In or about 2006, after learning that the David Firm was under federal criminal investigation, DAVID fled

to Canada. Following his suspension and his flight abroad, and through at least in or about 2009, DAVID continued to draw proceeds from the David Firm. In order to conceal his association with the David Firm, DAVID received payments through various circuitous routes. Among other means, DAVID's co-conspirators made payments to him from the David Firm via accounts held in the name of "Code of the Heart," a book that DAVID had authored.

#### **Statutory Allegations**

10. From at least in or about 1996, up to and including in or about 2009, in the Southern District of New York and elsewhere, EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hershy," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, the defendants, together with others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to violate the laws of the United States, to wit, to violate Sections 1546(a) and 1001 of Title 18, United States Code.

11. It was a part and an object of the conspiracy that EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA URBANEK, a/k/a

"Aleksandra Prochniak," ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hershy," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, the defendants, together with others known and unknown, willfully and knowingly would and did make under oath, and as permitted under penalty of perjury under section 1746 of Title 28, United States Code, did knowingly subscribe as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and would and did knowingly present such application, affidavit, and other document which contained such false statement and which failed to contain a reasonable basis in law and fact, in violation of Title 18, United States Code, Section 1546(a).

12. It was further a part and an object of the conspiracy that EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hershy," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, the defendants, together with others known and unknown, in a matter within the jurisdiction of the Executive Branch of the Government of the United States, willfully and knowingly would and did falsify, conceal, and cover up by trick, scheme and device a



material fact, and would and did make a materially false, fictitious and fraudulent statement and representation, and would and did make and use a false writing and document knowing the same to contain a materially false, fictitious, and fraudulent statement and entry, in violation of Title 18, United States Code, Section 1001.

**OVERT ACTS**

13. In furtherance of the conspiracy, and to effect the illegal objects thereof, EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hersh," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, the defendants, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about July 9, 2004, a co-conspirator not named as a defendant herein ("CC-1"), who worked at the David Firm, sent a fax to EARL SETH DAVID, the defendant, requesting additional information to be used in connection with multiple fraudulent immigration applications.

b. On or about January 5, 2007, CC-1 sent an electronic mail message, from Manhattan, New York, to EARL SETH DAVID, the defendant, in Canada.

c. On or about February 5, 2009, ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," the defendant, accompanied a client of the David Firm to an immigration interview at 26 Federal Plaza in Manhattan, New York.

(Title 18, United States Code, Section 371.)

**COUNT TWO**

**(False Statements to Immigration Authorities)**

The Grand Jury further charges:

14. The allegations set forth in paragraphs 1 through 9 are repeated and realleged as if set forth fully herein.

15. From at least in or about 1996, up to and including in or about February 2011, in the Southern District of New York and elsewhere, EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hershy," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, the defendants, willfully and knowingly, made under oath, and as permitted under penalty of perjury under section 1746 of Title 28, United States Code, knowingly subscribed as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented such application, affidavit, and other document which contained

such false statement and which failed to contain a reasonable basis in law and fact, to wit, under penalty of perjury, the defendants presented, and aided and abetted the presenting of, applications to immigration authorities on behalf of aliens seeking legal immigration status, that contained materially false statements and information in order to evade the requirements of federal immigration laws and regulations.

(Title 18, United States Code, Sections 1546(a) and 2.)

**COUNT THREE**

**(Mail and Wire Fraud Conspiracy)**

The Grand Jury further charges:

16. The allegations set forth in paragraphs 1 through 9 are repeated and realleged as if set forth fully herein.

17. From at least in or about 1996, up to and including in or about 2009, in the Southern District of New York and elsewhere, EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hersh," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, the defendants, together with others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1341 and 1343.

18. It was a part and an object of the conspiracy that EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hershhy," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice, and attempting so to do, would and did place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service and would and did deposit and cause to be deposited a matter and thing to be sent and delivered by a private and commercial interstate carrier, and would and did take and receive therefrom, such matter and thing, and would and did knowingly cause to be delivered by mail and such carrier according to the direction thereon, and at the place at which it is directed to be delivered by the person to whom it is addressed, such matter and thing, in violation of Title 18, United States Code, Section 1341.

19. It was further a part and an object of the conspiracy that EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA

URBANEK, a/k/a "Aleksandra Prochniak," ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hershy," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

#### OVERT ACTS

20. In furtherance of the conspiracy, and to effect the illegal objects thereof, EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hershy," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, the defendants, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about July 9, 2004, a co-conspirator not named as a defendant herein ("CC-1"), who worked at the David

Firm, sent a fax to EARL SETH DAVID, the defendant, requesting additional information to be used in connection with multiple fraudulent immigration applications.

b. On or about January 5, 2007, CC-1 sent an electronic mail message, from Manhattan, New York, to EARL SETH DAVID, the defendant, in Canada.

c. In or about March 26, 2007, a mailing relating to an immigration application was sent from the David Firm in Manhattan, New York to a CIS office in another State, via the United States Postal Service.

(Title 18, United States Code, Section 1349.)

**COUNT FOUR**

**(Money Laundering Conspiracy)**

The Grand Jury further charges:

21. The allegations set forth in paragraphs 1 through 9 are repeated and realleged as if set forth fully herein.

22. From in or about 2004 through in or about 2009, in the Southern District of New York and elsewhere, EARL SETH DAVID, a/k/a "Rabbi Avraham David," the defendant, together with others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 1956(a)(1)(B)(i).

23. It was a part and an object of the conspiracy that EARL SETH DAVID, a/k/a "Rabbi Avraham David," the defendant, together with others known and unknown, knowing that the property

involved in certain financial transactions represented the proceeds of some form of unlawful activity, willfully and knowingly would and did conduct and attempt to conduct such financial transactions, affecting interstate and foreign commerce, which in fact involved proceeds of specified unlawful activity, to wit, immigration fraud, mail fraud and wire fraud, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

**OVERT ACT**

24. In furtherance of the conspiracy and to effect the illegal object thereof, EARL SETH DAVID, a/k/a "Rabbi Avraham David," the defendant, together with others known and unknown, committed the following overt act, among others, in the Southern District of New York and elsewhere:

a. In or about December 2008, a co-conspirator not named as a defendant herein ("CC-2") made payments from an account used by the David Firm to an account used by EARL SETH DAVID, representing the proceeds of immigration fraud.

(Title 18, United States Code, Section 1956(h).)

**FORFEITURE ALLEGATION**

**(As To Counts One and Two: Immigration Offenses)**

25. As the result of committing one or both of the immigration fraud offenses alleged in Counts One and Two of this Indictment, EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hersh," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6), all conveyances used in the commission of the offenses; all property, real and personal, that constitutes and is derived from and is traceable to proceeds obtained directly and indirectly from the commission of the offenses; and all property, real and personal, that was used to facilitate, and was intended to be used to facilitate, the commission of the offenses.

**Substitute Assets Provision**

26. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;



- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property described above.

**FORFEITURE ALLEGATION**

**(As To Count Three: Mail and Wire Fraud Conspiracy)**

27. As the result of committing the mail and wire fraud offense alleged in Count Three of this Indictment, EARL SETH DAVID, a/k/a "Rabbi Avraham David," ALI GOMAA, GULAY CIBIK, REFAEL BRODJIK, a/k/a "Rafi," ALEXANDRA URBANEK, a/k/a "Aleksandra Prochniak," ABRAHAM FLAM, ARYEA YEHUDA FLOHR, a/k/a "Ari Flohr," ANDRE HERBST, a/k/a "Erwin Herbst," a/k/a "Anshi," NATHAN SCHWARTZ, HAROLD TISHLER, a/k/a "Hershly," CHAIM WALTER, a/k/a "Leiby Walter," and MAYER WEBER, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, constituting and

derived from proceeds traceable to the commission of the offense alleged in Count Three of this Indictment.

**Substitute Assets Provision**

28. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property described above.

**FORFEITURE ALLEGATION**

**(As To Count Four: Money Laundering Conspiracy)**

29. As the result of committing the money laundering offense alleged in Count Four of this Indictment, EARL SETH DAVID, a/k/a "Rabbi Avraham David," the defendant, shall forfeit

to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), all property, real and personal, involved in the commission of the offense alleged in Count Four of this Indictment and all property traceable to such property.

**Substitute Assets Provision**


30. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property described above.

(Title 18, United States Code, Sections 981 and 982,  
Title 21, United States Code, Section 853, and  
Title 28, United States Code, Section 2461.)

  
FOREPERSON

  
PREET BHARARA  
United States Attorney